FILE COPY

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1929.

No. 440

OHIO OIL COMPANY,

Plaintiff, Appellant,

versus

E. A. CONWAY, SUPERVISOR OF PUBLIC ACCOUNTS OF THE STATE OF LOUISIANA,

Defendant, Appellee.

JOINT MOTION TO ADVANCE.

S. L. HEROLD,
Counsel for Plaintiff, Appellant.

PERCY SAINT,
Attorney General of Louisiana,
Counsel for Defendant, Appellee.

MONTGOMERY-ANDREWS PRINTING CO. INC., 430-432 CHARTRES, N.O.

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Defendant, Appellee.

JOINT MOTION TO ADVANCE.

To the Honorable the Supreme Court of the United States:

In the above styled and numbered cause, now come the Ohio Oil Company, plaintiff and appellant, through its counsel of record, and E. A. Conway, Supervisor of Public Accounts of the State of Louisiana, defendant and appellee, through the Attorney General of Louisiana, and respectfully move that this cause be advanced for early hearing, and, in support of this motion, makes the following brief

statement of the matter involved and the reasons relied upon for the advancement:

(1)

That this is a suit brought by the appellant in the District Court of the United States for the Eastern District of Louisiana in which it seeks to restrain the enforcement of a statute of the State of Louisiana which imposes and provides for the collection of a severance tax, the proceeds of which is deposited in the State Treasury and dedicated to public purposes, and which Act appellant contends denies to it the equal protection of the laws guaranteed to it by the Fourteenth Amendment to the Federal Constitution, and also violates Section 21 of Article X of the State Constitution.

(2)

That this Honorable Court, in suit No. 514 of the docket of this Court, reversed a decree of the three-judge court which refused to issue a temporary injunction, and ordered the lower Court to issue a temporary injunction under certain terms and conditions, which decision is reported in the Advance Opinions of the Supreme Court of the United States, of date March 15, 1929, and in *73 L. ed.* —.

(3)

That since the rendition of said judgment a final hearing has been had before the three-judge court in which the constitutionality of the Act was sustained, and the preliminary injunction theretofore issued was recalled and

set aside, the writ of injunction prayed for denied, and plaintiff's bill dismissed. From this final judgment and decree the Ohio Oil Company has appealed.

(4)

That this suit affects the revenues of the State, and it is of great importance to the State and to the appellant that a hearing of the cause be had as early as possible.

WHEREFORE, appellant and appellee jointly move that this cause be advanced for hearing at the earliest practicable date.

Respectfully submitted,

S. L. HEROLD,
Counsel for Plaintiff, Appellant.

PERCY SAINT,
Attorney General of Louisiana,
Counsel for Defendant, Appellee.